

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

WRIT PETITION NO. 4547 OF 1999

Kum. Shirin d/o. Vazir Shaikh,
Aged 17 years, minor, under guardianship
of her father Vazir Shaikh s/o. Babusaheb
Shaikh, Aged 47 years,
Occupation : Service as Clerk in the
office of District Employment and
Self Employment Guidance Bureau,
Nanded, R/o. Ashraf Nagar,
Hingoli Gate, Nanded.

.. Petitioner.

versus

1. The State of Maharashtra,
through the Secretary to the Govt.
of Maharashtra, in Social Welfare
Department,
Mantralaya, Fort,
Mumbai.

2. The Divisional Social Welfare Officer,
Aurangabad Division,
Laxmi Building, Jalna Road,
Aurangabad.

.. Respondents.

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Mr. S.S. Choudhari, Advocate, for the petitioner.

Mr. N.B. Patil, Assistant Government Pleader, for
respondent nos.1 and 2.

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(2)

CORAM : B.R. GAVAI &
S.V. GANGAPURWALA, JJ.

DATE : 20TH JULY 2010

ORAL JUDGMENT (Per B.R. Gavai, J.) :

1. The petition taken on board in pursuance to the order passed in Civil Application No. 23 of 2001.
2. Rule. Rule made returnable forthwith. Heard by consent.
3. The petitioner claims that he belongs to "Julaha" caste, which is recognized as Other Backward Class. The petitioner seeks a direction to the respondent no.2, to accept his application and make the verification and scrutiny of the caste certificate of the petitioner.
4. Mr. S.S. Choudhari, learned Counsel appearing for the petitioner, submits that the claim of the petitioner has not been scrutinized and, as such, the petitioner is deprived of the benefit that are available to the Other Backward Class.
5. Mr. N.B. Patil, learned Assistant Government Pleader appearing for the respondents, does not dispute that the caste claim of the petitioner has not yet been verified.

6. Since the claim of the petitioner has not yet been verified, we are inclined to allow the petition.

7. In the result, the petition is allowed.

(i) The Caste Certificate Scrutiny Committee / Social Welfare Department, Latur, is directed to scrutinize the claim of the petitioner, of belonging to "Julaha", Other Backward Class.

(ii) The petitioner to appear before the Committee on 9th August 2010. As such, the requirement of formal notice to the petitioner stand waived.

(iii) The Committee shall decide the caste claim of the petitioner within a period of six months from the date of appearance of the petitioner before the Committee.

8. Rule is made absolute in the above terms. There shall be no order as to costs.

(S.V. GANGAPURWALA)
JUDGE

(B.R. GAVAI)
JUDGE

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